

## Conversation with Sean Cadigan, from the Elder Justice Center

### 13<sup>th</sup> Circuit of Florida, Hillsborough County

- January 14, 2011
- Contact Information:
  - Sean Cadigan, General Magistrate and Director of the Elder Justice Center
  - 813-276-8517; cadigas@fljud13.org
- Florida's Statute on Fees is 744.108- discretion of the court to order reasonable fees gives the authority for these guidelines
- The Elder Justice Center has 4 employees who review all fee petitions, reports, inventories etc. These individuals also act as court monitors when complaints are made to the center.
- There are about 3,000 guardianships in this circuit, but not all of these guardianships are handled by professional fiduciaries. The Center has lower expectations for family guardians.
- **Fees:**
  - The January 22, 2010 memorandum along with the attachments of past memorandums is the most complete set of guidelines they currently have.
  - The administrative order from December 9, 2010 is the most recent order codifying these rules.
  - The judge wanted some flexibility with the fees, so they left specific figures out of the order and made these figures "guidelines." However, he suspected that if it became a problem the Supreme Court would pass an administrative order.
  - Guardians must obtain prior court approval before paying themselves in accordance with the administrative order.
  - Guardians are given these guidelines so they know what will be expected and approved without much hassle. If they charge the rates designated in the guidelines, their fee petition will be approved in a more streamlined fashion.
  - I asked Mr. Cadigan if this process has been workable for them. He said that it was difficult at first, but once they changed their procedure for reviewing the fee petitions, it has become very manageable. He said that guardians are allowed to file their first fee petition after three months if all required reports have been submitted correctly. He said most guardians submit their fee petitions every six months. Some wait a year, but a year is the longest period of time the guardian can wait. He said reviewing fees for more than a year's time is daunting.
  - Cadigan also said this process takes about 30 days from the time the fee petition is filed to approval, unless there is a "human error" with someone at the Elder Justice Center or unless the guardian has failed to file all required reports.
  - According to Cadigan, the fee approval process is more helpful to catch potential problems than reviewing the required reports (accountings and plans). He said that by reviewing the fee petition and seeing the reasons for certain time entries, the Center can see that a "need" was billed for, but the "need" was not addressed in the plan. The Center can ask why this occurred.
  - General guideline for family guardians is billing at a rate of \$25.00 an hour. This used to be set by administrative order, but they wanted more flexibility so now it is a "guideline."
- He also informed me that other Circuits handle this differently. Broward County in the 17<sup>th</sup> Circuit allows for guardians to submit monthly bills, but he explained that they have more financial resources to work with and more staff members.